

MAY 05 2006

Docket No.: FORFLOW.1CP6C1

May 5, 2006

App. No.: 10/729,026

Page 1 of 2

Please Direct All Correspondence to Customer Number 20995

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Applicant : Bolling, Steven F. et al.
App. No : 10/729,026
Filed : December 5, 2003
For : IMPLANTABLE HEART ASSIST
SYSTEM AND METHOD OF
APPLYING SAME
Examiner : Layno, Carl H.
Art Unit : 3766

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Disclaimer by Assignee

Assignee, Orqis Medical Corporation ("Assignee"), hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,387,037, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent No. 6,387,037 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,387,037, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

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Docket No.: FORFLOW.1CP6C1

May 5, 2006

App. No.: 10/729,026

Page 2 of 2

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Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in the above-identified application and co-owned, Patent No. 6,387,037, all by virtue of an assignment recorded at Reel No. 010469, Frame No. 0246 and a name change document recorded at Reel No. 011644, Frame No. 0790 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Empowerment of Attorney

Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of the Assignee, by virtue of a Power of Attorney.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR LLP

Date: May 5, 2006



Andrew M. Douglas
Registration No. 51,212
Attorney of Record
Customer No. 20,995
(949) 760-0404

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